

REMARKS

In response to the Office communication dated December 18, 2003, the paragraph beginning on page 10, line 17 of the specification has been amended to include sequence identification numbers (SEQ. ID. NO. 4 and SEQ. ID. NO. 5) to comply with the sequence rules of 37 C.F.R. 1.821-1.825. The sequence "DYKDDDK" has been changed to "DYKDDDDK" to correctly reflect the sequence as disclosed in the referenced patents (i.e. Hopp et al (1991) U.S. Patent No. 5,011,912, or Hopp et al (1987) U.S. Patent No. 4,703,004). More specifically, U.S. Patent No. 5,011,912 and U.S. Patent No. 4,703,004 are cited in the specification as disclosing the sequence "DYKDDDK."¹ However, the sequence actually disclosed in these patents is "DYKDDDDK."² The amendment corrects this discrepancy. It is noted both U.S. Patent No. 5,011,912 and U.S. Patent No. 4,703,004 have been incorporated by reference in the present patent application.³ Since material incorporated by reference is considered part of the text of the application as filed,⁴ applicants submit that the amendment to SEQ. ID. NO. 4 is not new matter.

¹ See Specification, p. 10, ln. 19-20.

² See U.S. Patent No. 4,703,004, col. 19, ln. 64-65 and claims 4 and 6 (disclosing an identification peptide with the amino acid sequence Asp-Tyr-Lys-Asp-Asp-Asp-Lys); and U.S. Patent No. 5,011,912, col. 2, ln. 46-48 (disclosing the amino acid sequence Asp-Tyr-Lys-Asp-Asp-Asp-Lys or DYKDDDDK as an N-terminal identification peptide).

³ See Specification, p. 16, ln. 29 to p. 17, ln. 2 ("All publications, patents, patent applications and other references cited in this application are herein incorporated by reference in their entirety as if each individual publication, patent, patent application or other reference were specifically and individually indicated to be incorporated by reference.").

⁴ See MPEP §2163.07(b) ("The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed. Replacing the identified material incorporated by reference with the actual text is not new matter."). Furthermore, an "amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction." MPEP §2163.07 II.

In addition, it is submitted that although SEQ. ID. NO. 4 is identified in the specification using one letter abbreviations ("DYKDDDDK"), and in the sequence listing using three letter abbreviations ("Asp Tyr Lys Asp Asp Asp Asp Lys"), one skilled in the art would recognize that "DYKDDDDK" is the same sequence as "Asp Tyr Lys Asp Asp Asp Asp Lys."

Telephone Interview

Applicants thank the Examiner for the courtesy of the phone interview on January 12, 2004. In the interview, the Examiner agreed to reconsider the amendment of "DYKDDDDK" to "DYKDDDDK" on page 10, line 19 of the specification.

Statement Under 37 C.F.R. 1.821(f)

In support of the amendment to the sequence listing made herein, applicants submit the following statement:

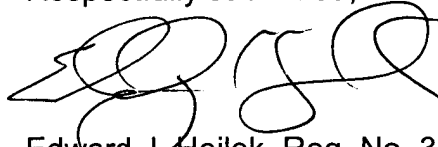
In accordance with 37 C.F.R. 1.821(f), I hereby declare that sequence listing information recorded in computer readable form on disc file **UMO 1531.1 PATENTIN 3.1** and the written sequence listing, submitted in support of the present amendment, contain the same textural material.

UMO 1531.1
PATENT

CONCLUSION

In light of the foregoing, applicants respectfully submit that the reply of April 18, 2003 is fully responsive to the prior Office action, and request entry of the amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'EJH', with a long horizontal line extending to the right.

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